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PTO/SB/33 (07-09)
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

	Docket Number (Optional) 1933.0010009

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]	**Application Number** 09/705,927	**Filed** November 6, 2000
on _____	**First Named Inventor** David D KLOBA	
Signature_____	**Art Unit** 2178	**Examiner** Faber, David
Typed or printed name _____		

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
      Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
   See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
   (Form PTO/SB/96)

☒ attorney or agent of record.
   Registration number.   35,239 .

☐ attorney or agent acting under 37 CFR 1.34.

   Registration number if acting under 37 CFR 1.34 _____

                      _____
                                  Signature

                      Michael Q. Lee
                        Typed or printed name

                      (202) 371-2600
                      Telephone number

                      Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☒   *Total of   1   forms are submitted.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Confirmation No.: 8134
KLOBA *et al.*	Art Unit: 2178
Appl. No.: 09/705,927	Examiner: Faber, David
Filed: November 6, 2000	Atty. Docket: 1933.0010009
For: **System, Method, and Computer Program Product for a Scalable, Configurable, Client/Server, Cross-Platform Browser For Mobile Devices**	

Arguments to Accompany the Pre-Appeal Brief Request for Review

Mail Stop AF

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby submit the following Arguments, in five (5) or less total pages, as attachment to the Pre-Appeal Brief Request for Review (Form PTO/SB/33). A Notice of Appeal is concurrently filed.

Arguments

Independent claim 1 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,925,595 to Whitledge et al. ("Whitledge") in further view of U.S. Patent No. 6,671,853 to Burkett et al. ("Burkett").

Applicants respectfully assert that its arguments in the Amendment and Reply under 37 C.F.R. § 1.111 filed on July 26, 2010 ("Reply"), in response to a Non-Final Office Action mailed March 26, 2010 ("Non-Final Office Action"), were not properly considered or responded to by the Examiner in the Final Office Action mailed August 25, 2010 ("Final Office Action"). In particular, the Examiner misinterpreted Whitledge to read on the claimed features of claim 1 where a device uses an attribute pointer to selectively access and copy portions of received content.

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Independent claim 1 recites generating a document table for a document, inputting the document table and the document into a content stream, and transmitting the content stream to a device. The document table includes object pointers corresponding to objects that make up the document. Each of the object pointers includes an attribute pointer that points to an object of the document in the content stream. The receiving device uses an attribute pointer to selectively access and copy an object from the content stream. As Applicants noted in the Reply, the attribute pointer allows the receiving device to access and edit a portion of the document without having to write the entire document into writeable memory. (Reply, p. 16.)

The Examiner relied solely on Whitledge to teach or suggest the above-noted distinguishing features of independent claim 1. (Final Office Action, pp. 4-6.) Whitledge describes a content conversion system in which a first device extracts hypertext elements from a received first document, converts the extracted elements, and creates a second document using the converted hypertext elements. The first device transmits the second document to a second device, which will display the second document for a user.

Specifically, in Whitledge, the first device parses the received first document to collect hypertext elements and saves those elements to create a document object model. (Whitledge, 24:18-31.) The first device then extracts hypertext elements from the document object model (DOM) based on, for example, input from a user. (*Id.*, 24:32-35.) References to the extracted hypertext elements can be saved in a symbol table so that they can be used in other expressions or a document template without having to repeat the extraction operation. (*Id.*, 24:38-40.) The first device coverts the extracted hypertext elements and creates a second hypertext electronic document using the converted hypertext elements. (*Id.*, 24:54-61.) For more information on Whitledge, see Reply at pp. 16-17.

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As Applicants noted in the Reply, Whitledge does not teach or suggest using a received attribute pointer to selectively access and copy portions of a received content stream. In response, the Examiner alleged that the references included in Whitledge's symbol table teach or suggest attribute pointers, as recited in claim 1. (Final Office Action, p. 19). Moreover, the Examiner also alleged that Whitledge's extracting hypertext elements from first document's DOM teaches or suggests selecting accessing and copying portions of a received content stream. (*Id.*, pp. 18-19.) The Examiner thus concluded that Whitledge describes "the ability for existing pointers from the table that were saved to be used in extracting objects from a document into a memory." (*Id.*) Applicants respectfully disagree with the Examiner's allegations.

For Whitledge to disclose the above-noted features of claim 1 as the Examiner has alleged, the first device must use the references in the symbol table to extract hypertext elements from the first document's DOM. But this is not the case. As described above, the first device generates the symbol table based on extracted hypertext elements that were previously extracted from the first document's DOM. In other words, the symbol table does not exist when the hypertext elements are extracted from the document object model, and therefore the references in the symbol table cannot be used to extract elements from the first document's DOM.

Thereafter, the saved references can be used to create another document. Even at this point, however, Whitledge does not use the references in the symbol table to extract elements from the first document's DOM. Those elements have already been extracted. The symbol table is used so that the extraction operation does not have to be repeated every time one of the previously extracted hypertext elements is needed. In other words, the symbol table does not provide pointers to parts of the first document, but rather provides elements stored apart from the first document.

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Thus, in Whitledge, the first device does not use references of symbol table to extract hypertext elements from the first document's DOM. Moreover, operations on the second device in Whitledge also do not teach or suggest using the symbol table's references to extract elements from a document. In fact, the second device never receives the symbol table, and therefore cannot use the symbol table to extract elements from a document.
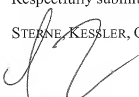
Thus, Whitledge fails to teach or suggest the above-noted distinguishing features of independent claim 1 at least because Whitledge fails to teach or suggest a device selectively accessing and copying a data object from a received content stream using a received aatribute pointer, as recited in claim 1. Moreover, Burkett fails to cure the deficiencies of Whitledge. Therefore, independent claim 1 is patentable over Whitledge and Burkett.

Conclusion

Accordingly, the rejection under 35 U.S.C. § 103(a) of independent claim 1 over Whitledge and Burkett is legally and factually deficient. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Michael Q. Lee
Attorney for Applicants
Registration No. 35,239

Date: 1/21/2011

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

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